IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5081 of 2005

Between:

A. Rajeshwar Rao, S/o. A. Narasimha,
H.No. 6-6-87, Devinagar Colony, Kavadiguda, Secunderabad.

..... PETITIONER

AND

The A.P.S.R.T.C. Rep. by its Deport Manager, Haimpet Depot,
Hakimpet 500 078.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly in the nature of a Writ of Certiorari by declaring the action of the respondent in suspending the petitioner by No. 03/474/(1)/2005-HPT, dt. 17-2-2005, as arbitrary and illegal and consequently direct the respondent to permit the petitioner to attend the duty as D.C (Earnings), by setting aside the suspension order dt. 17-2-2005 No. 03/474(1)/2005-HPT.

Counsel for the Petitioner: MR.T.S.RAYALU

Counsel for the Respondent: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following O R D E R:

The petitioner was placed under suspension vide proceedings dated 17.02.2005 alleging that when the check was exercised by the Deputy Superintendent (f) Hakimpet depot, an amount of Rs.17,725/- was found to be short. Hence this writ petition.

Learned counsel for the petitioner contended that in the absence of the petitioner, the cash chest which was sealed by the petitioner was opened and, therefore, there was no scope for the petitioner to give the difference amount and hence, placing the petitioner under suspension is unsustainable.

Learned standing counsel appearing for the respondents contended that the cash chest which was sealed by the petitioner was opened in the presence of responsible officers and found short of an amount of Rs.17,725/-. Hence the writ petition is liable to be dismissed.

Normally, this Court will not interfere with the suspension pending enquiry unless the jurisdiction of the authority who passed the order is challenged. Whether the petitioner was on duty or whether he was present or not are required to be determined by the Enquiry Officer.

Therefore, without entering into the merits of the case, a direction can be given to the respondent to complete the enquiry within a period of two months from the date of receipt of a copy of this order. As the petitioner has availed the remedy of filing the writ petition before this Court, he had not submitted explanation to the Depot Manager. Hence, an opportunity can be given to the

petitioner to submit his explanation to the Depot Manager, Hakimpet, within one week from today.

With the above observation, the writ petition is disposed of. No order as to costs.

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(K.C.BHANU, J)

Dt. 15.03.2005

Note:CC tomorrow

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To

1) The Deport Manager, A.P.S.R.T.C. Haimpet Depot,
   Hakimpet 500 078.

2) 2 CD copies

3) 1 CC to MR.RAYALU

*Form-NIC-OGS/WP{**SPJS**}*